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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/788,702	02/27/2004	Chen-Shien Chen	67,200-1187	7022

7590 12/19/2005

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EXAMINER

WILSON, LEE D

ART UNIT PAPER NUMBER

3723

DATE MAILED: 12/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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**Office Action Summary**

Application No.

10/788,702

Applicant(s)

CHEN ET AL.

Examiner

LEE D. WILSON

Art Unit

3723

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 11-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| <p>1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br/>         Paper No(s)/Mail Date ____.</p> | <p>4) <input type="checkbox"/> Interview Summary (PTO-413)<br/>         Paper No(s)/Mail Date. ____.</p> <p>5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</p> <p>6) <input type="checkbox"/> Other: ____.</p> |
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## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election of Group I, claims 1-10 in the reply filed on 11/9/05 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Patel et al (6623333).

Patel et al disclose an apparatus having a plurality polishing heads (16 & 26 it is noted that each polisher has at least one head) and figs. 1, 2a & b), a metrology tool (which is between polishing tool (see col. 4, lines 1-18), and a controller (20 & 34).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patel et al (6623333) in view of Zuniga et al (6422927).

- a. Patel et al are discussed above.
- b. Patel et al do not disclose second and third polishing pads and loading and unloading stations.
- c. Zuniga et al disclose an apparatus having a plurality of polishing heads and pads with first, second, and third polishing pads (see fig.1) and loading and unloading stations (25&27) which allow a user to have alternative set ups for the polisher and pads as well as provide workpiece transfer to avoid user contamination.

6. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the Patel et al device by providing second, third polishing pads, loading and unloading stations as taught by Zuniga et al which allow a user to have alternative set ups for the polisher and pads as well as provide workpiece transfer to avoid user contamination.

7. Claims 2-4, 6-8, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patel et al (6623333) in view of Zuniga et al (6776692).

- d. Patel et al are discussed above.
- e. Patel et al do not disclose second and third polishing pads.

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- f. Zuniga et al disclose an apparatus having a plurality of polishing heads and pads with first, second, and third polishing pads (see fig.1) which allow a user to have alternative arrangements in regard to polishers and pads.
  - g. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the Patel et al device by providing second and third polishing pads as taught by Zuniga et al which allow a user to have alternative arrangements in regard to polishers and pads.
8. Claims 2-4, 6-8, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patel et al (6623333) in view of Birang (6540595).
- h. Patel et al are discussed above.
  - i. Patel et al do not disclose second and third polishing pads.
  - j. Birang disclose an apparatus having a plurality of polishing heads and pads with first, second, and third polishing pads (see fig.1 Note pad and belts are being treated as equivalents but see also the belts as well) which allow a user to have alternative arrangements in regard to polishers and pads.
  - k. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the Patel et al device by providing second and third polishing pads as taught by Birang which allow a user to have alternative arrangements in regard to polishers and pads.
9. Claims 5 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patel et al (6623333) as applied to claims 2-4, 6-8, and 10 above, and further in view of Hayashi et al (6379230).

- l. Patel et al are discussed above.
- m. Patel et al do not disclose loading and unloading stations.
- n. Hayashi et al disclose an apparatus having loading (S1) and unloading (S4) stations which allow the user to load and unload the workpieces automatically further preventing any user contamination.
- o. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the Patel et al device by providing loading and unloading stations as taught by Hayashi et al which allow the user to load and unload the workpiece automatically further preventing any user contamination.

### ***Conclusion***

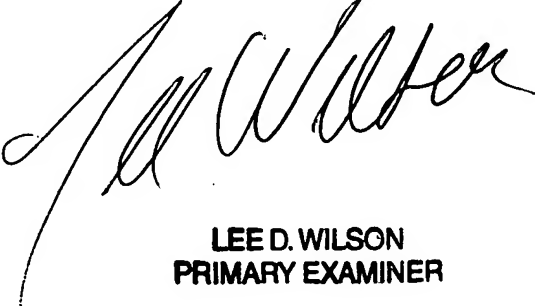
Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEE D. WILSON whose telephone number is 571-272-4499. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOSEPH HAIL can be reached on 571-272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ldw

December 12, 2005



**LEE D. WILSON**  
**PRIMARY EXAMINER**